

HONORABLE JUDGE COUGHENOUR

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SARAH ERHART, an individual,

Case No. 2:22-cv-00472-JCC

Plaintiff,

v.

**DEFENDANT’S ANSWER TO  
COMPLAINT FOR DAMAGES,  
INJUNCTIVE RELIEF, AND  
DECLARATORY RELIEF**

ZIMMER, INC., a Delaware corporation dba  
ZIMMER BIOMET; ZIMMER US, INC., a  
Delaware corporation dba ZIMMER BIOMET;  
BIOMET, INC., an Indiana corporation dba  
ZIMMER BIOMET; and DOES 1-10,

Defendants.

Defendants Zimmer, Inc. d/b/a Zimmer Biomet, Zimmer US, Inc. d/b/a Zimmer Biomet, and Biomet, Inc. d/b/a Zimmer Biomet (“Defendants”), by and through the undersigned counsel, answer the allegations of Plaintiff’s Complaint for Damages, Injunctive Relief, and Declaratory Relief as follows:

**I. NATURE OF THE CASE**

1.1 While denying any legal violations, Defendants admit paragraph 1.1 of the Complaint generally describes Plaintiff’s legal claims.

**II. JURISDICTION AND VENUE**

2.1 While denying the allegations in paragraph 2.1 of the Complaint as this matter has

1 been removed to this Court, Defendants admit this Court has jurisdiction based upon diversity of  
2 citizenship.

3 2.2 While denying the allegations in paragraph 2.1 of the Complaint as this matter has  
4 been removed to this Court, Defendants admit they transact business in King County, Washington.

### 5 **III. PARTIES**

6 3.1 Defendants admits that Plaintiff resides in Clark County, Washington and, further,  
7 she was employed by Defendant Zimmer US, Inc. Further, they admit that Plaintiff worked in  
8 King County, Washington and in the other listed states at various times. Defendants denied that  
9 Plaintiff “worked for the Defendants” as stated in the first sentence of paragraph 3.1 of the  
10 Complaint. While admitting that Plaintiff worked for Defendant Zimmer US, Inc., Defendants  
11 deny the remaining allegations in the second sentence of paragraph 3.1 of the Complaint.

12 3.2 Admit.

13 3.3 Admit.

14 3.4 Admit.

15 3.5 Defendants deny paragraph 3.5 of the Complaint for want to knowledge.

### 16 **IV. STATEMENT OF FACTS**

17 4.1 Defendants incorporate by reference and re-allege their responses to paragraphs 1.1  
18 through 3.5 as if fully set forth herein.

19 4.2 Admit.

20 4.3 Defendants admit that Defendant Zimmer US, Inc. employed the Plaintiff and,  
21 further, during her employment tenure she held the following positions during the time periods  
22 indicated: (1) Technical Services Specialist from December 2, 2019 to January 10, 2021; (2) Field  
23 Service Senior Engineer I from January 11, 2021 to October 3, 2021; and (3) Field Service Senior  
24 Engineer II from October 4, 2021 until her employment ended in March 2022. Defendants deny  
25 all remaining allegations.

26 4.4 Defendants admit the first sentence of paragraph 4.4 of the Complaint. While  
27 admitting that Plaintiff brought tools and equipment onto job sites at times, Defendants deny the  
28

1 remaining allegations in paragraph 4.4 of the Complaint.

2 4.5 Deny.

3 4.6 Deny.

4 4.7 Deny.

5 4.8 Defendants admit that Plaintiff was treated as a salaried, exempt employee who was  
6 not paid overtime premiums.

7 4.9 Deny.

8 4.10 Deny.

9 4.11 Deny.

10 **V. CAUSES OF ACTION**

11 5.1 Defendants incorporate by reference and re-allege their responses to paragraphs 1.1  
12 through 4.11 as if fully set forth herein.

13 **FIRST CAUSE OF ACTION**

14 5.2 Deny. Defendant Zimmer US, Inc. admits that Plaintiff was treated as a salaried,  
15 exempt employee who was not paid overtime premiums.

16 5.3 Deny.

17 5.4 Deny.

18 5.5 Deny.

19 **SECOND CAUSE OF ACTION**

20 5.6 Defendants deny Plaintiff's generalized description of RCW Chapter 49.52, which  
21 speaks for itself.

22 5.7 Deny. Defendant Zimmer US, Inc. admits that Plaintiff was treated as a salaried,  
23 exempt employee who was not paid overtime premiums.

24 5.8 Deny.

25 5.9 Deny.

26 5.10 Deny.

**THIRD CAUSE OF ACTION**

5.11 Admit.

5.12 Deny.

5.13 Deny.

5.14 Deny.

**FOURTH CAUSE OF ACTION**

5.15. Deny.

**FIFTH CAUSE OF ACTION**

5.16 Deny.

**GENERAL DENIAL**

Defendants deny any allegations or statements in Plaintiff's Complaint for Damages, Injunctive Relief, and Declaratory Relief, including Plaintiff's Damages and Prayer for Relief, that Defendants do not expressly admit.

**AFFIRMATIVE DEFENSES**

By way of further answer and without waiving any allegations previously denied, the following affirmative defenses are asserted:

1. Subject to further discovery, Plaintiff has failed to state a claim on one or more of her causes of action upon which relief can be granted.

**RESERVATION OF RIGHTS**

In further answer, Defendants reserve the right to add additional defenses and make further claims as may be warranted by discovery.

**REQUEST FOR RELIEF**

WHEREFORE, having fully answered Plaintiff's Complaint for Damages, Injunctive Relief, and Declaratory Relief, Defendants request the Court provide for the following relief:

1. That Plaintiff takes nothing on her Complaint for Damages, Injunctive Relief, and Declaratory Relief and that it be dismissed with prejudice;

2. That Defendants should be awarded their attorney fees, costs, and expenses incurred;

1 and

2 3. For such other and further relief as this Court may deem just and equitable.

3 DATED this 15<sup>th</sup> day of April, 2022.

4 Respectfully submitted,

5 JACKSON LEWIS P.C.

6 By: /s/ Bryan P. O'Connor  
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13 Tel: (206) 405-0404  
14 Fax: (206) 405-4450

15 Counsel for Defendants

**DECLARATION OF SERVICE**

The undersigned declares under penalty of perjury under the laws of the State of Washington that a true and accurate copy of the document to which this declaration is affixed was sent to the following:

Timothy W. Emery, WSBA #34078  
Patrick B. Reddy, WSBA #34092  
EMERY | REDDY, PLLC  
600 Stewart Street, Suite 1100  
Seattle, WA 98101  
Email: [emeryt@emeryreddy.com](mailto:emeryt@emeryreddy.com)  
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☒ via CM/ECF System  
☒ via Electronic Mail  
☐ via USPS Mail  
☐ via Federal Express  
☐ via Hand-delivery  
☐ Other: \_\_\_\_\_

Counsel for Plaintiff

DATED this 15<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Tanya Stewart

4890-2194-4603, v. 1